

## REMARKS

Upon entry of the present amendment claims 1 and 3-42 are pending in the application. Claim 30 has been amended, leaving claims 1 and 3-42 for consideration upon entry of the present amendment.

1. Allowable Claims

Applicants thank the Examiner for allowing claims 1 and 3-29.

2. Rejection of claims 30-42 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,581,395 to Nakaya et al., hereafter "Nakaya"

Claims 30-42 stand rejected under 35 U.S.C. §102(b) as anticipated by Nakaya.

The Examiner states:

"Nakaya et al disclose aqueous dispersions suitable for coating applications. These dispersions are taught as comprising blocked isocyanate resins which are taught as being melt blended with an acrylic resin carboxyl groups. These carboxyl groups are taught as neutralized and thus are seen as salted"

(10/5/06 Office Action, page 2, third paragraph.)

Applicants respectfully submit that independent claim 30 as currently amended and independent claim 42 are not anticipated by Nakaya, because Nakaya fails to disclose each and every element of claims 30 and 42. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Independent claim 30 as currently amended and independent claim 42 require that the acrylic polymer (a) have a particular amount of hydroxyl groups. Independent claim 30 as currently amended requires the acrylic polymer (a) to have from 0.5 to 8.0 mEQ OH/gram NV of acrylic polymer (a). Support for this amendment can be found in paragraph [00059] of the application. Independent claim 42 requires the acrylic polymer (a) to have 1.5 to 6.0 meq of hydroxyl per gram of nonvolatile acrylic polymer (a). In addition, Applicants disclose the importance of the specified mEQ of the hydroxyl groups in paragraph [00082] of the application, by stating "the amount of

hydroxyl groups has been hypothesized to contribute to the unexpected stability of the resulting aqueous dispersion of the polymer (a) and the crosslinking agent (b)."

Although Nakaya discloses that hydroxyl functionality of the basic compound (II) is favorable for solubilizing resin powder (I) and aqueous resin (III), such a statement fails to disclose the invention of amended independent claim 30 and independent claim 42 (Nakaya, column 2, lines 42-44.) That is, Nakaya does not teach that its resin powder (I) should be hydroxyl functional. As a result, Nakaya does not teach the use of Applicants' hydroxyl functional acrylic polymer (a) having Applicants' particularly required amount of hydroxyl groups.

Accordingly, Nakaya fails to disclose all of the required elements of Applicants' amended independent claim 30, and independent claim 42. As such, Nakaya fails to anticipate claims 30-42. Reconsideration and removal of the rejection is respectfully requested.

Applicant(s) respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and/or remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

/MaryEGolota/  
Mary E. Golota  
Registration No. 36,814  
Cantor Colburn LLP  
(248) 524-2300

Tuesday, May 29, 2007  
CORRESPONDENCE ADDRESS ONLY

BASF CORPORATION  
1609 Biddle Avenue  
WYANDOTTE, MI 48192  
Customer No. 26922

MEG/IK